

IN THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION

IN RE:
CLAUDE KENNETH JONES
SANDRA DAVIS JONES

DEBTORS

* CHAPTER 13
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*
* CASE NO. 14-70218-jtl
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NOTICE

NOTICE IS HEREBY GIVEN THAT THE ABOVE DEBTORS HAVE FILED AN AMENDED CHAPTER 13 PLAN BEFORE CONFIRMATION WITH THE COURT.

YOUR RIGHTS MAY BE AFFECTED. YOU SHOULD READ THESE PAPERS CAREFULLY AND DISCUSS THEM WITH YOUR ATTORNEY, IF YOU HAVE ONE IN THIS BANKRUPTCY CASE. (IF YOU DO NOT HAVE AN ATTORNEY, YOU MAY WISH TO CONSULT ONE.)

IF YOU DO NOT WANT THE COURT TO CONFIRM THE AMENDED CHAPTER 13 PLAN OR IF YOU WANT THE COURT TO CONSIDER YOUR VIEWS ON THE MOTION FOR MODIFICATION OF PLAN BEFORE CONFIRMATION, THEN YOU OR YOUR ATTORNEY MUST FILE AN OBJECTION WITH THE COURT AT LEAST SEVEN DAYS PRIOR TO THE CONFIRMATION HEARING WHICH HAS BEEN SCHEDULED FOR MAY 27, 2014 AT 12:00 P.M. IN THE U.S. COURTHOUSE AND POST OFFICE BUILDING, N. PATTERSON STREET, VALDOSTA, GA 31601.

IF YOU MAIL YOUR REQUEST TO THE COURT FOR FILING, YOU MUST MAIL IT EARLY ENOUGH SO THE COURT WILL **RECEIVE** IT ON OR BEFORE SEVEN DAYS PRIOR TO THE CONFIRMATION HEARING AS STATED ABOVE.

IF YOU OR YOUR ATTORNEY DO NOT TAKE THESE STEPS, THE COURT MAY DECIDE THAT YOU DO NOT OPPOSE THE AMENDED PLAN AND MAY ENTER AN ORDER CONFIRMING SAID AMENDED CHAPTER 13 PLAN.

THIS NOTICE IS BEING SENT TO YOU BY COUNSEL FOR PURSUANT TO 11 U.S.C. SECTION 362, RULE 9014 OF THE FEDERAL RULES OF BANKRUPTCY PROCEDURE, AND M.D.GA LBR 9007-1.

This the 2nd Day of May, 2014.

MICHAEL H. TURNER, P.C.

/s/ Michael H. Turner

Michael H. Turner
State Bar #719599

This Document was Prepared by:
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**IN THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

**IN RE:
CLAUDE KENNETH JONES
SANDRA DAVIS JONES**

DEBTORS

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MOTION FOR MODIFICATION OF PLAN BEFORE CONFIRMATION

Debtors, under the authority of §1323 of the Bankruptcy Code, file this Motion for Modification of their plan and respectfully show:

-1-

Debtors withdraw their Chapter 13 plan heretofore filed and substitute in lieu thereof a new plan. A copy of the proposed plan, which shall be referred to as the "Amended Chapter 13 Plan", is attached hereto; and Debtors propose to modify their plan to show they are including an additional loan to Atlanta Postal Credit Union to be paid through the plan.

-2-

After notice and opportunity for objections, the plan as modified should become Debtors' plan.

WHEREFORE, Debtors pray that their Motion for Modification of Plan be approved.

This the 2nd day of May, 2014.

/s/ Michael H. Turner
Michael H. Turner
State Bar #719599

This Document was Prepared by:
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IN THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF GEORGIA

IN RE: Claude Kenneth Jones Sandra Davis Jones * CHAPTER 13
SSN: 1250 SSN: 4151 * CASE NO. 14-70218
DEBTORS *

AMENDED CHAPTER 13 PLAN

1. The future earnings of the debtor(s) are submitted to the supervision and control of the trustee, and the debtor(s) or the debtor(s) employer shall pay to the trustee the sum of **\$740.00 monthly**.
2. From the payments so received, the trustee shall make disbursements as follows:
 - (a) The Trustee percentage fee as set by the United States Trustee
 - (b) The monthly payments will be made on the following long-term debts: (Payments which become due after the filing of the petition but before the first payment designated here will be added to the pre-petition arrearage claim) **None**
 - (c) Preconfirmation adequate protection payments will be made to the following secured creditors and holders of executory contracts after the filing of a proof of claim by the creditor. These payments will be applied to reduce the principal of the claim.

| <u>NAME OF CREDITOR</u> | <u>ADEQUATE PROTECTION AMOUNT</u> |
|-----------------------------|-----------------------------------|
| Atlanta Postal Credit Union | \$ 25.00 |
| Atlanta Postal Credit Union | \$ 25.00 |
| Atlanta Postal Credit Union | \$ 10.00 |
| Kubota Credit | \$ 10.00 |
| Santander | \$ 20.00 |
| Titlemax | \$ 10.00 |

- (d) The following claims are not subject to cram down because debts are secured by a purchase money security interest in a vehicle for which the debt was incurred within 910 days of filing the bankruptcy petition, or, if the collateral for the debt is any other thing of value, the debt was incurred within 1 year of filing.

| <u>NAME OF CREDITOR</u> | <u>ESTIMATED AMOUNT DUE</u> | <u>VALUE</u> | <u>INT.</u> | <u>COLLATERAL</u> | <u>MONTHLY PAYMENT</u> |
|-----------------------------|---------------------------------|--------------|-------------|--------------------|----------------------------|
| Atlanta Postal Credit Union | \$6,844 | debt | 4 | 2007 Toyota Tundra | \$125.00 |

- (e) After confirmation of the plan, the secured creditors with allowed claims will be paid as follows:

| <u>NAME OF CREDITOR</u> | <u>ESTIMATED AMOUNT DUE</u> | <u>VALUE</u> | <u>INT.</u> | <u>COLLATERAL</u> | <u>MONTHLY PAYMENT</u> |
|-----------------------------|---------------------------------|--------------|-------------|--------------------|----------------------------|
| Kubota Credit | \$5,359 | \$3,000 | 4 | Lawnmower | \$ 56.00 |
| Atlanta Postal Credit Union | \$9,594 | debt | 4 | 2009 Pontiac G6 | \$177.00 |
| Santander | \$5,842 | \$5,500 | 4 | 2003 Jeep Wrangler | \$101.00 |
| Titlemax | \$3,000 | debt | 4 | 2001 Ford F250 | \$ 56.00 |
| Atlanta Postal Credit Union | \$3,748 | debt | 4 | Travel Trailer | \$ 70.00 |

- (f) Attorney fees ordered pursuant to 11 U.S.C. § 507(a)(2) of \$3,000.00 to be paid as follows:

Pursuant to Current Administrative Order on the Attorney Fee Awards

- (g) After the above are paid, distribution will be made to cure arrearages and other secured debts whose claims are duly proven and allowed as follows:

| <u>NAME OF CREDITOR</u> | <u>ESTIMATED AMOUNT DUE</u> | <u>VALUE</u> | <u>INT.</u> | <u>COLLATERAL</u> | <u>MONTHLY PAYMENT</u> |
|---------------------------|---------------------------------|--------------|-------------|------------------------|----------------------------|
| Citimortgage | \$1,600 | debt | 0 | Arrearage through 2/14 | \$27.00 |
| Southeastern Federal C.U. | \$ 560 | debt | 0 | Arrearage through 2/14 | \$10.00 |

- (h) The following collateral is surrendered to the creditor:

| <u>NAME OF CREDITOR</u> | <u>DESCRIPTION OF COLLATERAL</u> |
|-------------------------|----------------------------------|
| Blue Green Corp | Timeshare |
| Capital One - Polaris | 2010 Polaris Sportsman |

- (i) The following domestic support obligations will be paid over the life of the plan: (These payments will be made simultaneously with payment of the secured debt to the extent funds are available and will not include interest. Interest can only be included if the plan is proposing to pay all claims in full.) **None**
- (j) The following unsecured claims are classified to be paid at 100% These payments will be paid simultaneously with payment of the secured debts:
- (k) All other 11 U.S.C. § 507 priority claims, unless already listed under 2(g), will be paid in full over the life of the plan as funds become available in the order specified by law.
- (l) The debtor(s) will be the disbursing agent on the following debts: **CitiMortgage shall be paid direct beginning with the March 2014 payment. Southeastern Federal Credit Union shall be paid direct beginning with the March 2014 payment.**

- (m) Special provisions:
1. Payments to the trustee shall be made as follows: **Directly by Debtors.**
 2. Upon discharge of the Debtor(s), **titles to all vehicles**, free of creditors liens, shall be returned to the debtor(s).
 3. Upon discharge of the Debtor(s), and pursuant to § Section 522 (f), all non-possessory non-purchase money interest(s) in household goods and furnishings, wearing apparel, appliances, and jewelry are avoided to the extent of the debtor's exemptions as to the following:
 4. Upon discharge of the Debtor(s), all judicial lien(s) in all property of the debtor, acquired both pre-filing and post-filing, are avoided to the extent allowed by law including but not limited to the following:
 5. Upon discharge of the Debtor(s), and in addition to other relief provided under Federal Law, all tax liens, either local, state or federal, shall be void as to any future acquired property and to any increase in equity in any property currently held by the debtor(s).
 6. Debtor has been advised that the Debt to N/A does not pay interest of penalties but that interest and penalties will continue to accrue and will be due and payable to N/A at the completion of the bankruptcy.
- (n) Debtors will make payments that will meet all of the following parameters (these are not cumulative, debtors will pay the highest of the three)
1. Debtor will pay all of this disposable income as shown on Form B22C of \$0 to the non priority unsecured creditors in order to be eligible for a discharge.
 2. If the debtor filed a Chapter 7 case, the unsecured creditors would receive \$0. Debtor will pay this amount to the priority and other unsecured credits in order to be eligible for discharge.
 3. The debtor will pay \$1400 to the general unsecured creditors to be distributed prorata.
- (o) General unsecured creditors whose claims are duly proven and allowed will be paid as follows:
\$1,400 dividend as long as this dividend exceeds the highest amount, if any, shown in paragraph (n)(1), (n)(2) or (n)(3) above, and the debtor pays in at least 60 monthly payments to be eligible for discharge.
- (p) Unless otherwise ordered by the court, all property of the estate, whether in the possession of the trustee or the debtor, remains property of the estate subject to the court's jurisdiction, notwithstanding §1327(b), except as otherwise provided in paragraph (m) above. Property of the estate not paid to the trustee shall remain in possession of the debtor. All property in the possession and control of the debtor shall be insured by the debtor. The chapter 13 Trustee will not and is not required to insure assets and has no liability for injury to any person, damage or loss to any property in possession and control of the debtor or other property affected by property in possession and control of the debtor.
- (q) Notwithstanding the proposed treatment or classification of any claim in the plan confirmed in this case, all lien avoidance actions or litigation involving the validity of liens, or preference action will be reserved and can be pursued after confirmation of the plan. Successful lien avoidance or preference actions will be grounds for modification of the plan.

Dated: April 30, 2014

/s/ Claude Kenneth Jones
Claude Kenneth Jones- Debtor

/s/ Sandra Davis Jones
Sandra Davis Jones- Debtor

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CERTIFICATE OF SERVICE

I, the individual named below, certify that I am, and at all times hereinafter mentioned was, more than 18 years of age and I served a copy of the within Notice together with the accompanying motion upon all of the creditors listed on the attached Exhibit "A" together with Kristin Hurst, the Chapter 13 Trustee, P.O. Box 1907, Columbus, GA 31902 by depositing the same in the United States Mail with sufficient postage affixed thereon to insure prompt delivery to the trustee.

I certify under penalty of perjury that the foregoing is true and correct.

This the 2nd day of May, 2014.

/s/ Michael H. Turner

Michael H. Turner
Attorney for Debtors

P. O. Box 2519
Tifton, GA 31793
229/382-2455

EXHIBIT "A"

Affinity Clinic
P.O. Box 807
Tifton, Georgia 31793

Affinity Health Group
P. O. Box 9500
Tifton, Georgia 31793-9500

Arthritis & Osteoporosis Center
P.O. Box 807
Tifton, Georgia 31793

Atlanta Postal Credit Union
3900 Crown Road
Atlanta, Georgia 30380-0001

Atlanta Postal Credit Union
3900 Crown Road
Atlanta, Georgia 30380-0001

Atlanta Postal Credit Union
3900 Crown Road
Atlanta, GA 30380-0001

Barnes Healthcare
200 S. Patterson Street
Valdosta, GA 31601-5621

BB&T
223 West Nash Street
Wilson, NC 27893

BBT
P.O. Box 2027
Greenville, SC 29602-2027

Belk - GEGRB
P.O. Box 965028
Orlando, Florida 32896

BillMeLater
P.O. Box 105658
Atlanta, Georgia 30348

Blue Green Corp
4960 Blue Lake Drive
Boca Raton, FL 33431-4453

BlueGreen Vacation Club
P.O. Box 630980
Cincinnati, OH 45263-0980

Capital One - Polaris
Dept 7680
Carol Stream, IL 60116-7680

CARE Program
P.O. Box 2963
South San Francisco, CA 94083-2963

CitiMortgage Inc.
P. O. Box 9438
Gaithersburg, Maryland 20898

Clifford A. Walker, DMD
200 West 12th Street, Suite A
Tifton, Georgia 31794

Credit Bureau Associates
321 Main Street
Tifton, Georgia 31794

Discover
P. O. Box 30421
Salt Lake City, Utah 84130-0421

Eclipse Medical
3700 Brainerd Road
Suite 34
Chattanooga, TN 37411-3603

Exagen Diagnostics
c/o The E&A Group
P.O. Box 5070
Laguna Beach, CA 92652

Exxon Citibank
P.O. Box 6497
Sioux Falls, SD 57117

GE Money Bank/ CareCredit
P.O. Box 960061
Orlando, Florida 32896-0061

GE Money Bank/Paypal Buyer Credit
Attn: Bankruptcy Dept.
P.O. Box 103104
Roswell, Georgia 30076

Georgia Sports Medicine
P.O. Box 7630
Tifton, Georgia 31793

Jordan Jones
902 Ernest Sumner Road
Lenox, GA 31637

Kubota Credit Corp
3401 Del Amo Blvd
Torrance, CA 90503

Lowe's
P.O. Box 103104
Roswell, Georgia 30076

Millennium Labs
P.O. Box 84444
Dallas, TX 75284

Physicians Institute for
Pain Management
2418 N. Oaks Street, Suite B1
Valdosta, GA 31602-3608

Pinnacle Recovery
P.O. Box 130848
Carlsbad, CA 92013-0848

Santander Consumer USA
Attention: Bankruptcy Department
P.O. Box 560284
Dallas, Texas 75356-0284

Smith Northview Hospital
P.O. Box 10010
Valdosta, Georgia 31602

Southeastern Federal Credit Union
P.O. Box 2067
Valdosta, Georgia 31604

Southern Endodontic
4370 Kings Way, Suite A
Valdosta, GA 31602

Southern Spine Center
c/o Credit Bureau Associates
321 Main Street
Tifton, GA 31794

Southwest Georgia Periodontics
1499 Kennedy Road, Suite B
Tifton, GA 31794

Sweet Dreams Anesthesia
P.O. Box 850001
Dept 795
Orlando, FL 32885-0795

Tift Regional Medical Center
P. O. Box 747
Tifton, Georgia 31793

Tifton Endoscopy Center, Inc.
1111 East 20th Street
Tifton, Georgia 31794

Tifton Pathological Services, PC
1105 E. 20th St.
Tifton, Georgia 31794

Tifton Radiology
P.O. Box 1409
Waycross, Georgia 31502

TitleMax
1305 Highway 82
Tifton, Georgia 31793

Wal-Mart
P.O. Box 103104
Roswell, Georgia 30076

Claude and Sandra Jones
1398 W. Golden Road
Tifton, GA 31793